



0074010

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99352 • (509) 372-7950

September 26, 2007

Mr. David A. Brockman
Richland Operations Office
United States Department of Energy
P. O. Box 550, MSIN: A7-50
Richland, Washington 99352

RECEIVED
OCT 01 2007
EDMC

Re: Disapproval of the United States Department of Energy (USDOE) Revised M-91-03
Milestone *Transuranic (TRU) Mixed/Mixed Low-Level Waste Project Management Plan*
(PMP), HNF-19169, Rev. 3

Dear Mr. Brockman:

The Department of Ecology received the Revised M-91 PMP, HNF-19169, Rev. 3, prepared by Fluor Hanford, Inc. (FH) on August 30, 2007. Ecology provided written comments on Revision 2 of the PMP to USDOE on February 9, 2007, and April 24, 2007. 0073865

While Ecology was pleased with the efforts of USDOE and FH, the updates presented in the January 2007 revision, and the August 2007 revision, the PMP as submitted does not adequately address two of the critical issues identified in Ecology's response letter, dated April 24, 2007. 0072759
You will find a copy of this letter enclosed (Enclosure 1).

These issues include:

1. The plan must include Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) wastes in the description of mixed waste management. We request you include a section in the document with a range of waste volumes that are anticipated to be generated due to clean-up activities, whether or not Records of Decisions are available.
(Comment #10)
2. The plan must describe which project will provide waste management support. This includes activities such as retrieving, sampling, packaging, and shipping of the projected CERCLA wastes anticipated to be generated during clean-up activities.
(Comment #11)

Mr. David A. Brockman
September 26, 2007
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Ecology and the United States Environmental Protection Agency (EPA) repeatedly identified these concerns as noted in several meetings and documented in the April 2007 Tri-Party Agreement Milestone Review Meeting Minutes (Enclosure 2). Ecology and EPA insist that USDOE provide this information in the PMP or the M-16-93 Implementation Plan, and attach the Implementation Plan to the PMP. 0072849

Ecology has determined that the Revised M-91-03 Milestone *Transuranic (TRU) Mixed/Mixed Low-Level Waste Project Management Plan (PMP)*, HNF-19169, Rev. 3, is not a complete and adequate primary document, and does not meet the M-91-03 Milestone.

Therefore, according to the HFFACO, Figure 9-1, within 30 days of receipt of this letter you may either incorporate the two comments listed above and issue a final revision of the PMP or initiate a dispute resolution.

If you have any questions, please contact me at 509-372-7923.

Sincerely,



Deborah Singleton
Waste Management Project Manager
Nuclear Waste Program

mm/pll

Enclosures (2)

cc: Nick Ceto, EPA
Mark French, USDOE
Robert Piippo, USDOE
Greg Sinton, USDOE
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record: M-91-03/PMP 4-0-12
Environmental Portal



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April 24, 2007

Mr. Keith A. Klein
Richland Operations Office
United States Department of Energy
P. O. Box 550, MSIN: A7-50
Richland, Washington 99352

Re: Disapproval of the Responses from the United States Department of Energy (USDOE) to the Department of Ecology's Comments Regarding the Revised M-91-03 Interim Milestone *Transuranic (TRU) Mixed/Mixed Low-Level Waste Project Management Plan (PMP)* [HNF-19169, Rev. 2]

Dear Mr. Klein:

The Department of Ecology received the Revised M-91 PMP, HNF-19169, Rev. 2 prepared by Fluor Hanford, Inc. (FH) on January 2, 2007. Ecology provided written comments to USDOE on February 9, 2007. A comment resolution process followed, which included weekly discussions between Ecology, USDOE, and FH; and responses were submitted by USDOE March 12, 2007.

While Ecology was very pleased with the efforts of USDOE and FH, and the updates presented in the January 2007 revision, critical issues remain unresolved at this time. These issues include:

1. The plan must include Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) wastes in the description of mixed waste management. We request you include a section in the document with a range of waste volumes that are anticipated to be generated due to clean-up activities, whether or not Records of Decisions are available.
(Comment #10)
2. The plan must describe which project will provide waste management support. This includes activities such as retrieving, sampling, packaging, and shipping of the projected CERCLA wastes anticipated to be generated during clean-up activities.
(Comment #11)

Mr. Keith A. Klein

April 24, 2007

Page 2

3. Assumption 9 in Appendix G-8 excluded sampling by the 200-SW-2 Operable Unit (OU) project. The response provided by USDOE stated that opportunistic sampling was not intended to be excluded by the PMP. However, the response also stated that sampling may be performed in accordance with the 200-SW-2 Data Quality Objective/Sampling and Analysis Plan or other applicable agreements. Ecology understands that the M-91 and the 200-SW-2 OU are two separate projects. However, these projects overlap and should be integrated more closely. Sampling should be encouraged, actively planned, and performed in 218-W-4B, 218-W-3A, and 218-E-12B during retrieval activities.
(Comment #46)
4. Assumption 13 of Appendix G-8 stated that the waste would be designated with process knowledge and limited sampling would occur. USDOE and FH noted in the comment response that a graded approach for sampling would be discussed. However, time during the PMP workgroup meetings did not allow for complete discussion and resolution of this comment. And in light of recent events, intrusive sampling of packaged waste should be considered to potentially avoid waste leaking from drums in storage.
5. Ecology did not agree to the original Change Control Form M-91-06-01 presented in Appendix B of the PMP, and the proposed changes were not elevated to the Inter-Agency Management Integration Team level for dispute. Therefore, Ecology understands that USDOE and FH are actively working towards the M-91 Milestones as currently written in M-91-05-01. The PMP revision needs to include a plan for meeting the 2012 date for M-91-01.

Ecology has agreed in the comment working-group meetings that USDOE and FH will revise and re-submit the PMP beyond the Tri-Party Agreement 45-day requirement for primary documents. Ecology expects to receive the revised document no later than August 30, 2007. This revised document shall contain the changes discussed during the PMP workgroup meetings and the five critical issues listed above. Upon receiving the revised PMP, Ecology will, within 30 days, determine if it is a complete and adequate primary document and meets the M-91-03 milestone.

If you have any questions, please contact me at 509-372-7923.

Sincerely,



Deborah Singleton
Waste Management Project Manager
Nuclear Waste Program

mm/pll

cc: See next page

Mr. Keith A. Klein

April 24, 2007

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cc: Mark French, USDOE
Robert Piippo, USDOE
Greg Sinton, USDOE
Steven Joyce, FH
Curtis Stroup, FH
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record: M-91-03/PMP
Environmental Portal

0072849

Central Plateau
Tri-Party Agreement Milestone Review
Meeting Minutes
January 18, 2007
January 18, 2007

Approval: *J. Hedges*
J. Hedges (H0-57)
Ecology IAMIT Representative

Date: 4/19/07

Approval: *M.S. McCormick*
M.S. McCormick (A5-11)
DOE IAMIT Representative, Chairperson

Date: 3/15/07

Approval: *N. Ceto*
N. Ceto (B1-46)
EPA IAMIT Representative

Date: 3/15/07

Minutes Prepared by:

Sonya Moore
S.L. Moore (H8-40)
Fluor Hanford, Inc.

Date: 4-19-07

Ayres, J.M.	Ecology	H0-57	Jones, M.*	Ecology	H0-57
Bartus, D.	EPA	B1-46	Lobos, R.	EPA	B1-46
Bilson, H.E.*	FH	H8-20	Lutz, K	HQ	A7-75
Bohnee, G.	NPT		Mandis, M.L.*	Ecology	H0-57
Bond, R.*	Ecology	H0-57	Mattlin, E.M.*	RL	A5-11
Boyd, A.	EPA	B1-46	McCormick, M.S.*	RL	A5-11
Cameron, C.E.*	EPA	B1-46	McKarns, A.C.	RL	A5-15
Ceto, N.*	EPA	B1-46	Miskho, A.G.*	FH	H8-40
Chalk, S.E.	RL	A7-75	Moy, S.K.*	RL	A6-38
Charboneau, B.L.*	RL	A6-33	Niles, K.	OOE	
Charboneau, S.L.*	RL	A5-11	Piippo, R.E.*	FH	H8-12
Cimion, S.*	ODE		Post, T.C.	EPA	B1-46
Cole, M.E.*	CH2M Hill	H6-03	Price, J.*	Ecology	H0-57
Cusack, L.*	Ecology	H0-57	Romine, L.D.*	RL	A6-33
Dagan, E.B.*	RL	A5-11	Russell, R.W.	ORP	H6-60
Donnelly, J.W.*	WCH	H4-22	Skinnarland, E.R.	Ecology	H0-57
Einan, D.R.	EPA	B1-46	Singelton, D.G.*	Ecology	H0-57
Engelmann, R.H.*	FH	H8-12	Sinton, G.L.*	RL	A6-38
Faulkner, D.E.	RL	A5-11	Tilden, H.T.*	PNL	K3-75
French, M.S.	RL	A6-38	Vance, J.G.	FH	H8-12
Frey, J.A.*	RL	A5-13	Watson, D.J.*	FH	X3-79
Gallagher, R.G.	FH	H5-20	Whalen, C.L.*	Ecology	H0-57
Goswami, D.	Ecology	H0-57	Williams, J.D.	FH	H8-40
Harris, S.	CTUIR		Wise, B.K.	FH	B3-30
Hedges, J.*	Ecology	H0-57	Wolf, A.	CTUIR	
Henry, D.	OCE		Wooley, T.A.	CH2M Hill	H6-03
Hopkins, A.M.*	FH	H8-25	Administrative Record		H6-08
Horst, L.	OCE				
Jackson, D.E.	RL	A4-52			
Jim, R.	Yakama				

*Attendees

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**Central Plateau
Tri-Party Agreement Milestone Review
Meeting Minutes
January 18, 2007**

M-083-00A, Complete PFP Facility Transition and Selected Disposition Activities.

Ecology asked when the anticipated public review of the subgrade EE/CA was scheduled. RL responded the EE/CA would go out for public comment in the spring.

M-026-01, Submit an Annual Hanford Land Disposal Restrictions Summary Report.

No additional discussion other than review of the handout provided.

M-091-00, Complete the Acquisition of New Facilities, Modification of Existing Facilities, and Modifications of Planned Facilities.

EPA inquired into the status of acquiring the capabilities necessary to prepare TRU and TRUM waste generated by CERCLA clean up actions for disposal at WIPP. EPA indicated that during earlier milestone discussions EPA was assured that this capability would be provided. EPA thought that this discussion would be in the M-091-03 Project Management Plan (PMP) revision.

RL stated that capabilities for addressing CERCLA transuranic waste were the subject of the M-016-93 workplan submitted in September 2006, not the M-091 PMP submitted in December 2006. EPA stated that RL needs to look at the overall volumes of incoming TRUM to ensure the appropriate capabilities are planned.

Ecology noted that the M-016-93 work plan addresses M-016 Records of Decision (RODs) and 618-10 618-11 burial grounds. As new information becomes available, project schedules will be established or updated for the acquisition of necessary capabilities. It was also noted that Ecology's preliminary review indicated the PMP appeared to address only waste streams identified in current RODs. The regulators agreed that the work plan should include volumes for all CERCLA TRUM including projections where RODs are not yet available..

RL stated they would provide EPA with another copy of the M-016-93 work plan but noted that at this time the project has uncertainty on the exact volume of TRUM coming from CERCLA remediation activities. RL has taken this uncertainty into account and recognizes that a broad range of remedies are possible. RL also noted that the potential use of M-091 capabilities for CERLA waste is addressed in the M-016-93 workplan. EPA noted that they have not been part of this planning activity and asked RL to share this information.

Action: RL will provide EPA with a copy of the M-016-93 work plan. (NOTE: A copy of the M-016-93 workplan was provided to EPA on 1-18-07.)

~~of the M-016-93 workplan was provided to EPA on 1-18-07.)~~

Ecology asked if all of Trench 4 had been retrieved and RL answered that the trench is completely retrieved.

Ecology requested that the TRUM statement of dispute portion description (of the handout at this meeting) be revised to clarify that a portion of what remains in dispute pertains to TRUM.

Action: RL will revise the TRUM statement of dispute portion description of presentations to clarify that a portion of what remains in dispute pertains to TRUM.

Ecology asked if any actions have been taken to improve the efficiency of the treatment/certification of TRU and TRUM waste. RL stated that no physical actions have been taken but that overtime and extra shifts may have been applied to the certification work.

Action: RL will provide Ecology with information on the status of overtime or extra shifts being applied to the certification work.

Ecology noted that they had pointed out in the dispute that efficiencies can be gained to increase certification and that these efficiencies can help to ensure the milestone due dates are met. Ecology also requested copies of any letter of direction from RL to the contractors to improve performance and what the contractors' actions will be.

Action: RL will provide to Ecology letters of direction to the contractors and the options for improving performance.

Action: RL will meet with Ecology staff and discuss a path forward to implement these options.

Ecology asked if weather was impacting shipment of waste and RL stated yes as trucks are restricted on the routes when adverse winter road conditions exist along the shipment route. A 500 m³ backlog is ready to go to WIPP, but because they considered Hanford waste as surge volume it goes to the bottom of their schedule when inclement weather hits.

M-092-05, Inclusion of Hanford site Cs/Sr "Treatment and/or Repackaging Parameters" in DOE TWRS Phase II Request for Proposals.

The agencies discussed the cesium capsule assessment model draft preliminary results. The draft results indicated that the five regulated metals (chromium, barium, cadmium, silver, and lead) are below drinking water standards at the site boundary.

Action: RL will remove reference made to five RCRA metals drinking water standards in the presentation.

EPA brought up a concern about the disposition of B Plant and WESF by the 2028 time frame. RL stated the plan is to remove the capsules well ahead of the date for disposition of the facility and that WESF has been decoupled from B Plant utilities.

The capsules would be transferred to dry storage and then repackaged at a new hot cell facility before shipment to Yucca Mountain. RL is planning to meet with Ecology and Ecology and outline the cesium capsules path forward in order to meet the June 30, 2007 due date.

Ecology asked if the storage of cesium capsules has been discussed with Yucca Mountain and RL answered in the affirmative.

M-015-00, Complete RI/FS (or RFI/CMS) Process for all Operable Units.

RL stated that the revised 200-SW-2 RI/FS work plan collaborative DQO process is having several issues, some of which may need to be elevated to management for resolution. If they can not be resolved they will need to go to dispute or have the collaborative DQO process extended. Ecology stated they do not believe RL needs any more time; it is very important to meet the interim milestone in order to meet the major milestone.

Ecology noted that they had struck a phrase from the draft presentation, but the phrase was still in the final presentation. Ecology asked that the phrase "...due to large number of regulatory participants..." be deleted from the presentation (page 9, GW-40).

Ecology has provided backup staff to support the DQO process.

Action: FH project representative will revise the presentation to remove the phrase noted above.

RL stated that a meeting is planned for next week with management and the leads to review the issues and determine what actions need to be taken.

EPA stated that five wells are needed for 200-BP-5 and only three are currently planned. RL will review the baseline as it has three vs. five for 200-BP-5 and a commitment was made to revisit the wells as a topic for the Unit Manager Meeting. EPA requested an update on 200-BP-5 and RL noted they have an action from the Project Manager Meeting to review the DQO.

The Battelle contract for the 200-ZP-1 critical analysis took longer than anticipated to get established, but the project is expected to recover the schedule. There is concern with offsite release limits and offsite regeneration of granulated activated carbon and resins.

Ecology asked if the pump and treat project was integrated with Tank Farms; RL stated yes, and that a treatability test is needed to provide data. The elevation between the pumping wells and the ETF will require a transfer station; initial estimates for this are \$800K but this is being evaluated to be reduced.

RL discussed the need for the agencies to have an agreement of key decisions and parameters to facilitate timely decisions on source operable unit RODs. The regulators stated they are working on the policy issues decisions, and RL suggested that they meet with the regulators to discuss these and compare notes.

Ecology stated they have a risk assessment coordination concern, noting that a risk assessment charter had been signed by RL, but its implementation stopped about the time of the BHI transition to WCH.

Action: RL will follow up on the risk assessment coordination.

M-024-00, Complete Well Installations in Accordance with RCRA/CERCLA Requirements.

Ecology requested and RL agreed to initiate discussions for reaffirming/selecting wells (M-024-57K).

M-034-00A, Complete Removal of the K Basins and Their Content.

EPA asked how many hours have been expended to transfer sludge from K East to K West for the hose-in-hose activities, and what the cost schedule performance is.

Action: RL will provide EPA with the information on the hose-in-hose work.

EPA noted that they provided RL an option out of the dispute process (develop a K Area integrated schedule), but RL has rejected it saying that the 2012 date will be met. EPA is requesting a TPA interim milestone for RL to develop an integrated schedule and will consider approving the milestones now in dispute.

EPA stated that M-034-30 should be listed as unrecoverable instead of at risk as they do not feel the milestone can be met. EPA also stated that they believed the reason the milestone would not be met was due to poor project management and execution.

EPA inquired about the cost total that was used to do the planning to treat sludge in the 300 Area. RL responded that it was a study and the effort did not change the baseline. RL noted there are technical issues in the design of the CVD equipment for seismic issues that were brought out by HQ. Several nuclear safety issues are impacting the sludge treatment effort. The project will delay equipment procurement as there is too much risk involved without a safety analysis and design approval.

Action: RL will provide EPA with the EIR letter from RL's independent review team that validated the KBC Project Baseline.

EPA also asked for the total cost for treating the K East NLOP sludge at T Plant.

Action: RL will acquire the cost for treatment of the K East NLOP sludge at T Plant.

EPA expressed concern about the process for transferring the sludge from K East to K West; whether it is being containerized, and if the 5 m³ is the quantity in containers or the volume of sludge pumped.

Action: RL will provide EPA with information on the initial transfer and if/how much mass was lost.

EPA also asked about the budget tables that were left out of the presentation and RL stated that they would be added into the record copy for the meeting minutes' approval.

Action: RL will include the budget tables in the record copy of the presentation.